

MONROE COUNTY CLERK'S OFFICE

THIS IS NOT A BILL. THIS IS YOUR RECEIPT.

Receipt # 2451452

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No. Pages: 5

Instrument: NOTICE OF MOTION OR CROSS MOTION

Control #: 202008020063

Index #: E2020001926

Date: 08/02/2020

Time: 6:11:08 PM

Return To:
EDWARD ARVIN TREVVETT

Town of Alma

The International Association of Machinist and Aerospace
Workers Local 1580

Motion Filing Fee \$45.00

Total Fees Paid: \$45.00

Employee: CW

State of New York

MONROE COUNTY CLERK'S OFFICE
WARNING – THIS SHEET CONSTITUTES THE CLERKS
ENDORSEMENT, REQUIRED BY SECTION 317-a(5) &
SECTION 319 OF THE REAL PROPERTY LAW OF THE
STATE OF NEW YORK. DO NOT DETACH OR REMOVE.

JAMIE ROMEO

MONROE COUNTY CLERK



SUPREME COURT
STATE OF NEW YORK COUNTY OF MONROE

TOWN OF ALMA,

Petitioner,

NOTICE OF MOTION

Index No.: E2020001926

vs.

THE INTERNATIONAL ASSOCIATION
OF MACHINISTS AND AEROSPACE
WORKERS LOCAL 1580,

Respondent.

STATE OF NEW YORK)
COUNTY OF MONROE) ss.:

PLEASE TAKE NOTICE, pursuant to New York State Judiciary Law §756 that;

**WARNING:
YOUR FAILURE TO APPEAR
IN COURT MAY RESULT IN
YOUR IMMEDIATE ARREST
AND IMPRISONMENT FOR
CONTEMPT OF COURT.**

PLEASE TAKE FURTHER NOTICE that upon the affidavit of Edward A. Trevvett, Esq., with attached exhibits, a motion made pursuant to CPLR 5104 and Judiciary Law §§ 750(3), 753(1) and 773 will be made at a Special Term of this Court before the Honorable Ann Marie Taddeo, JSC, to be held at the Hall of Justice located at 99 Exchange Blvd., Rochester, NY 14614 on the 19th day of August, 2020, at 2:30 o'clock in the fore/afternoon of that day, or as soon thereafter as counsel can be heard granting the Town's motion for an Order as punishment for civil and criminal contempt. The Town requests that the Court Order the following:

1. Holding, pursuant to CPLR 5104 and Judiciary Law §§ 750(3), 753(1) and 773, that Brian Trask, Daniel Ford, Respondent International Association of Machinists and Aerospace

Workers Local 1580, and Sheriff Ricky Whitney are in civil and/or criminal contempt of this Court's Decision and Order in this case dated June 30, 2020;

2. Directing Brian Trask to comply with the Award of Arbitrator Jeffrey Selchick as confirmed by this Court by Decision and Order dated June 30, 2020, and to cease and desist from performing any work for or on behalf of the Town of Alma, coming onto Town property to perform work, and using or operating any Town vehicle or machinery;

3. Directing Daniel Ford to comply with the Award of Arbitrator Jeffrey Selchick as confirmed by this Court by Decision and Order dated June 30, 2020, and to cease and desist from permitting Brian Trask to perform any work for him at the Town of Alma Highway Department or elsewhere or and use or operate any Town vehicle or machinery;

4. Directing the Respondent International Association of Machinists and Aerospace Workers Local 1580 (the union representing Brian Trask) to take whatever steps are necessary to forthwith comply with the Award of Arbitrator Jeffrey Selchick as confirmed by this Court by Decision and Order dated June 30, 2020; and

5. Directing Sheriff Ricky Whitney to remove and arrest Brian Trask any time that he comes onto Town property to perform any work, performs any work for or on behalf of the Town's Highway Department or operates any Town machinery or vehicles; and

6. Awarding the Town the following damages:

- a. An injunction permanently prohibiting Brian Trask from coming onto Town property to perform any work, performing any work for or on behalf of the Town's Highway Department or operating any Town machinery or vehicles;
- b. Indemnification to the Town for any and all wage damages owed to Brian Trask on and after July 1, 2020 jointly and severally against Brian Trask, Daniel Ford, Respondent Local 1580, Sheriff Whitney (both personally and in his role as Allegany County Sheriff), and Allegany County;
- c. Indemnification to the Town for any and all liability for damages of any kind caused by Brian Trask while working for Mr. Ford on and after January 25, 2019 jointly and severally against Brian Trask, Daniel Ford, and Respondent Local 1580;

d. A fine in the maximum amount permitted by law against Brian Trask, Daniel Ford, Respondent Local 1580, Sheriff Whitney (both personally and in his role as Allegany County Sheriff), and Allegany County;

e. An award of attorneys' fees and costs related to this motion jointly and severally against Brian Trask, Daniel Ford, Respondent Local 1580, Sheriff Whitney (both personally and in his role as Allegany County Sheriff), and Allegany County.

Pursuant to CPLR 2214(b), answering affidavits, if any, are required to be served upon the undersigned at least seven (7) days before the return date of this motion.

DATED: July 31, 2020
Pittsford, New York

Respectfully submitted,

s/Edward A. Trevvett

Edward A. Trevvett, Esq.
Harris Beach PLLC
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Pittsford, New York 14534
(585) 418-8643

TO: BRIAN TRASK
1873 County Rd 18
Wellsville, NY 14895

INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE
WORKERS LOCAL 1580
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138 Main Street
Dansville, NY 14437

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Rochester, NY 14614

KEVIN CONNELL, ESQ.
Trevett Cristo, P.C.
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DANIEL FORD
5827 Allen Street
Allentown, NY 14707

SETH PULLEN, ESQ.
Richardson, Pullen & Buck, P.C.
43 Court Street, Suite 930
Buffalo, New York 14202

SHERIFF RICKY WHITNEY
Allegany County Sheriff's Department
4884 State Route 19S
Belmont, New York 14813-9506

CARISSA M. KNAPP, COUNTY ADMINISTRATOR
Allegany County Office Building
7 Court Street
Belmont, NY 14813